

**UNITED STATES COURT OF APPEALS  
DISTRICT OF COLUMBIA CIRCUIT**

UNITED STATES OF AMERICA,

Appellee,

v.

PETER K. NAVARRO,

Appellant.

Case No. 24-3006

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**UNOPPOSED MOTION FOR LEAVE TO FILE  
AMICI CURIAE BRIEF IN SUPPORT OF APPELLEE**

Heidi Kitrosser, Mark J. Rozell, and Mitchel A. Sollenberger (collectively “Movants”) respectfully move this Court for leave to participate as *amici curiae* in support of the Government. The Government does not oppose this Motion, and Appellant takes no position on this Motion.

Movants are law professors and/or scholars who teach, research, and/or write about topics related to Executive Privilege.<sup>1</sup> They intend to submit a brief in support of the Government to explain why there is no legitimate basis for a former President to be able to assert Executive Privilege without the involvement of the incumbent President and, even if there were, no legitimate basis for a subordinate

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<sup>1</sup> See, e.g., Kitrosser, *Secrecy and Separated Powers: Executive Privilege Revisited*, 92 Iowa L. Rev. 489 (2007); Rozell & Sollenberger, *Executive*

official of a former President to be able to assert Executive Privilege without the involvement of the former President. Their interest in this case is ensuring that a subordinate of a former President cannot use claims of privilege as a means to override the legitimate interests of the incumbent President and the American people.

Date: June 21, 2024

Respectfully submitted,

/s/ Kelly B. McClanahan  
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## **CERTIFICATE OF COMPLIANCE**

I hereby certify that the foregoing filing contains 319 words, and was prepared in 14-point Times New Roman font using Microsoft Word 2016.

/s/ Kelly B. McClanahan  
Kelly B. McClanahan, Esq.